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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,173	10/04/1999	MICHAEL H. COHEN	03932.P006X	9303

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/412,173

Applicant(s)

COHEN ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2655

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 24-42, 45, 46 and 50-60.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

DORIS H. TO *h2/3/102*
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because: 1) applicant's representative continued arguments against the references individually do not address the rejection as presented by the examiner (applicant's representative argues the features of the two references separately, then makes a statement that 'no combination of...' the two references suggest all of the limitations). Examiner appreciates applicant's representative extensive comparisons between the claim language and the references (albeit separately). Examiner guides applicant's representative to argue how the features of the present claimed invention differ from the features of the COMBINED two references. The same rationale applies to applicant's disagreement with 37 CFR 1.111c. Examiner guides applicant's representative to make arguments against the features that the COMBINED references present. Lastly, examiner notes that the differences between 102 and 103 is anticipation vs obviousness, as both rules are applied to novelty (if novelty is not an issue, as asserted by applicant's representative, then the claims are inherently not patentable, by definition).

To recap the rejection, as per claim 24, Balakrishnan (6233559) does not explicitly teach using the application in a plurality of interconnected speech enabled sites, and hence the inclusion of Imielinski et al (6240448), which teaches interconnected speech enabled sites; the motivation to combine the two references being that Imielinski would allow the applications to be used in multiple user setup (Imielinski et al (6240448) col. 2 lines 20-61). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

As per claims 27,60, the combination of Blakrishnan in view of Imielinski teaches providing multiple speech enable sites with access to information about users of the speech enabled sites (in particular, Imielinski's expansion to a plurality of web sites, with a memory for user profiles -- fig. 3, subblock 62). As per claim 31 arguments, examiner notes the combination of Blakrishnan in view of Imielinski teaching brokering of information associated with the user (in particular, Imielinski fig. 3, subblock 56 controlling memory of user profiles, subblock 62). As per claim 45, the combination of Blakrishnan in view of Imielinski teaches a service based application (Imielinski, col. 2 lines 44-60). As per claims 50 and 51, the combination of Blakrishnan in view of Imielinski teaches utterance matching for optimizing for local commands (Imielinski, col. 6 lines 40-50). As per claim 52,56 arguments, the combination of Blakrishnan in view of Imielinski teaches voice browser (in particular, Imielinski, col. 6 lines 44-50 -- expansion of audio web pages to include voice commands).